

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

MCKENNA DUFFY and MICHAEL BRETT,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

YARDI SYSTEMS, INC., BRIDGE
PROPERTY MANAGEMENT, L.C.,
CALIBRATE PROPERTY MANAGEMENT,
LLC, DALTON MANAGEMENT, INC.,
HNN ASSOCIATES, LLC, LEFEVER
MATTSON, MANCO ABBOTT, INC.,
MORGUARD CORPORATION, R.D.
MERRILL REAL ESTATE HOLDINGS,
LLC, SUMMIT MANAGEMENT
SERVICES, INC., and CREEKWOOD
PROPERTY CORPORATION,

Defendants.

Case No. 2:23-cv-01391-RSL

**STIPULATED MOTION RE:
MOTION TO DISMISS BRIEFING
SCHEDULE/PROCEDURE AND ORDER**

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiffs McKenna Duffy and Michael Brett, and Defendants Yardi Systems, Inc. (“Yardi”), Bridge Property Management, L.C. (“Bridge”), Calibrate Property Management LLC (“Calibrate”), Creekwood Property Corporation (“Creekwood”), Dalton Management, Inc. (“Dalton”), LeFever Mattson (“LeFever”), HNN Associates, LLC (“HNN”), Manco Abbott, Inc. (“Manco”), and Summit Management Services, Inc. (“Summit”) (collectively, “Stipulating Defendants”), by and through their respective counsel, hereby stipulate as follows:

1. WHEREAS, on November 3, 2023, Plaintiffs filed a First Amended Class Action Complaint (the “Amended Complaint”) with additional allegations and a new claim for relief under the Sherman Act as reflected in ECF No. 113-1;

2. WHEREAS, the parties have agreed that limited changes to the Rule 12 briefing schedule and briefing page limits are appropriate in light of the changes made in the Amended Complaint and the number of Defendants that need to coordinate to file an omnibus Rule 12(b)(6) brief.

THEREFORE, Plaintiffs and Stipulating Defendants STIPULATE AND AGREE that:

Briefing Schedule for Rule 12 Motion(s)

The following new briefing schedule will apply to all Rule 12 motion(s) Defendants may choose to bring:

- Deadline to File Motion(s) to Dismiss: December 15, 2023
- Deadline to File Opposition(s): February 23, 2024
- Deadline to File Reply/Replies: March 15, 2024

Briefing Procedure for Rule 12 Motion(s)

The following procedure will govern the parties’ motion to dismiss briefing:

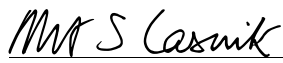
- Joint Rule 12(b)(6) Motion: Defendants may file one omnibus 45-page (instead of 40-page) motion to dismiss pursuant to Rule 12(b)(6) on behalf of any Defendant that wishes to join in that motion. Plaintiffs’ opposition to the joint motion to dismiss is limited to 45 pages (instead of 40 pages). Defendants may file a joint 25-page reply (instead of 20 pages).

- Individual Rule 12(b)(6) Motions: In addition to joining in the joint motion to dismiss, each Defendant may also file an individual Rule 12(b)(6) motion, not to exceed 10 pages. Plaintiffs may oppose any such individual motion(s) in opposition(s) not to exceed 10 pages. For convenience, Plaintiffs may file a single opposition collectively addressing all individual 12(b)(6) motions in one filing as opposed to filing an opposition to each Defendant's individual Rule 12(b)(6) motion (if any). In that case, Plaintiffs' opposition is limited to the sum of the number of pages Plaintiffs would have had to respond if Plaintiffs had opposed each motion individually (*e.g.*, if three Defendants submit individual 12(b)(6) motions, Plaintiffs may file either three individual oppositions of 10 pages or less or one opposition of 30 pages or less). Defendants may each have five pages to reply to Plaintiffs' opposition(s).
- All Other Rule 12 Motions: All other Rule 12 motions that Defendants may choose to bring will be subject to the applicable page limits provided for by the Civil Local Rules and Federal Rules of Civil Procedure.

STIPULATED to this 8th day of November, 2023.

IT IS SO ORDERED.

Dated this 9th day of November, 2023.


Robert S. Lasnik
United States District Judge